

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MARK ANTHONY ORTEGA

VS

TRISMART SOLAR, LLC and
JOSE MANUEL TURRUBIATES

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Case No. 5:25-CV-865-JKP-HJB

COUNSEL'S RESPONSE TO SHOW CAUSE ORDER

COMES NOW, Timothy Allen, and makes and files this response to the Court's Show Cause Order (ECF No. 29).

1. On December 15, 2025, Counsel filed a Motion to Designate Responsible Third Parties (ECF No. 22).
2. On December 16, 2025 at approximately 6:55 AM, Counsel received an email from his employer, TriSMART Solar, that all employees of TriSMART, including Counsel, were being temporarily furloughed. Later that morning, TriSMART's IT department disabled Counsel's email account.
3. This temporary furlough is still in place as of January 26, 2026.
4. Counsel sent an email to TriSMART's head of HR on December 18, 2025 advising them that Counsel did not have access to email so could not check for electronic filings, and requesting they review Counsel's email for any new filings. Counsel re-sent this email to the HR department on December 22, 2025.
5. On January 16, 2026, an executive of TriSMART contacted Counsel about resuming work for TriSMART. It was only after that conversation that Counsel first learned about the December 30, 2025 notice of hearing (ECF No. 25), the January 12, 2026 hearing, and the Show Cause Order.

6. Counsel expects to resume work for TriSMART soon, however in light of the Court's deadline to respond to the Show Cause Order, Counsel files this response before that resumption has occurred.

7. Counsel has updated his ECF account to direct all new filings to an email address not affiliated with TriSMART until that resumption is confirmed, which will avoid this situation occurring in this Court or any other Federal Court in the future.

8. For these reasons, Counsel respectfully requests that the Court accept this as sufficient cause for his failure to appear, and not impose sanctions.

Respectfully submitted,

/s/ Timothy R. Allen
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Certificate of Service

I certify that on January 26, 2026, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court for the Western District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served all counsel of record and pro-se parties electronically.

/s/ Timothy R. Allen
TIMOTHY R. ALLEN